Application Number	Application/Co	F	Applicant(s)/Patent (Reexamination BACKES, FLOYD	ınder		
Document Code - DISQ Intere			nal Document – DO NOT MAIL			
TERMINAL DISCLAIMER	⊠ APPROVI	ED	☐ DISAPP	☐ DISAPPROVED		
Date Filed : November 16, 2006	to a Te	t is subject erminal aimer				
Approved/Disapproved by:						
Henry D. Jefferson						

U.S. Patent and Trademark Office

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			05-Dec-06	APPL. S. N:	10781526					
To Exam	iner:		PEACHES, RANDY	Art Unit	2617					
From			Jefferson, Henry Return This Memo To: Case PARALEGAL SPCECIALIST Drop-Off Location		JEF-2D68					
SUBJEC	T: Decision	on on Termina	al Disclaimer(T.D.) filed:							
form par or have a	agraphs i any quest	dentified by t ions, please s	his informal memo in your next (see me or the Special Program Ex	esults as set forth below. If you ag Office action to notify applicant of kaminer. THIS IS AN INFORMAL, I RECORD IN THE APPLICATION FII	the T.D. If you disagree NTERNAL MEMO ONLY.					
please in	iitial, date	and return t	his memo to me. THANK YOU.							
Z!	The T.D.	is PROPER a	nd has been recorded (see 14.23).						
	The T.D.	is NOT PROP	ER and has not been accepted fo	r the reason(s) checked below (se	ee 14.24):					
		The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account								
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).								
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).								
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).								
		The person who signed the T.D.:								
		is not an attorney "of record" (see 14.29 and 14.29.01).								
		\square has failed to state his/her capacity to sign for the business entity (see 14.28).								
		\square is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).								
	<u> </u>	No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).								
	<u> </u>	The T.D. is not signed (see 14.26 & 14.26.03).								
	匚	The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).								
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).								
		The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).								
		Other:			134 157					
		Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.								
I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.										
Ex.Initial	s:	Dat	te:		Log Date:					

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RE	JECTI	ON OVE	RA	PENDIN	IG "	'REFER	ENCE"	APPLIC	CA.	TION

Docket Number (Optional) 160-055

In re Application of: Backes Application No.: 10/781526

Filed: 2/18/2004

For: Apparatus for Associating Access Points with Stations Using Bid Techniques

The owner*, <u>Autocell Laboratories</u> of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number <u>10/780594</u>, filed on <u>2/18/2004</u>, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorly disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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2. X The undersigned is an attorney or agent of record. Reg. No. 37272	
(Holmes W. Anderson/ Signature	November 16, 2006 Date
Holmes W. Anderson	
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X Terminal disclaimer fee under 37 CFR 1.20 (d) is included.	
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